

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2001-87-T - ORDER NO. 2001-593
JUNE 25, 2001

IN RE: Application of JW Moving & Storage, Inc.,)
6541 Hayes Street, Hollywood, FL 33024-)
5847 for a Class E Certificate of Public)
Convenience and Necessity.)

ORDER GRANTING ~~4P~~
APPLICATION IN PART

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Application of JW Moving & Storage, Inc. (JW Moving or the Company) 6541 Hayes Street, Hollywood, FL 33024-5847 for a Class E Certificate of Public Convenience and Necessity to transport commodities as follows:

Household Goods, As Defined in R. 103-210(1):
Between points and places in Oconee, Pickens, Greenville, Spartanburg,
Cherokee, York, Anderson, Chester, Union, Laurens, Abbeville, Greenwood,
Newberry and McCormick Counties, South Carolina.

As per the instructions of the Commission's Executive Director, a Notice of Filing of the Application was published in newspapers of general circulation in the proposed areas of service. The Company filed affidavits showing that it had complied with the instructions of the Executive Director. Petitions to Intervene were filed by Arrow Moving & Storage, Inc. (Arrow), Carey Moving & Storage, Inc. (Carey), and Carey Moving & Storage of Greenville, Inc. (Carey of Greenville). Subsequently, the Company agreed to downwardly amend its authority in return for the withdrawal of the Petitions to

Intervene by Arrow, Carey, and Carey of Greenville. Four counties were excluded from the original request: Oconee, Pickens, York, and Anderson.

A hearing was held on May 31, 2001 on the amended Application in the offices of the Commission with the Honorable H. Clay Carruth, Jr., Vice-Chairman, presiding. JW Moving was represented by David Popowski, Esquire. The Commission Staff was represented by F. David Butler, General Counsel.

JW Moving presented the testimony of Jeffrey Wooldridge, Mary Ann Lining, Rosemary Hayes, Jane Collins Gibbs, and Tim Elder. The Commission Staff presented no witnesses.

Jeffrey Wooldridge, the President of JW Moving, testified on behalf of the Company. Wooldridge presently serves as a law enforcement officer in the State of Florida, but if his Company is certificated, he will move to the Greenville area and establish offices. Wooldridge outlined extensive experience in the moving business as the result of his aiding a friend in the business in North Carolina. Wooldridge testified that he has worked in every phase of the business from loading and unloading trucks to giving customers estimates. Wooldridge presented his driving record and his credit reports, which were excellent. He has taken courses in moving offered by various entities, and has received certificates accordingly. Wooldridge, according to his company's balance sheet, has adequate capital to maintain a moving business. JW Moving intends to lease and/or buy its equipment to serve the public in South Carolina. The Company has no judgments against it.

With regard to shipper witnesses, the Company offered the testimony of four real estate agents: Mary Ann Lining, Rosemary Hayes, Jane Collins Gibbs, and Tim Elder. All witnesses, including the Applicant, noted the phenomenal growth of the Upstate area of South Carolina, and, in their opinion, the need for more movers. Tim Elder presented some testimony on a family's inability to find a mover in the Upstate when it wanted one. Wooldridge also filed a late-filed exhibit which showed his telephone logs, wherein he surveyed seven moving and storage businesses in the Upstate as to current rates and availability. Of the seven businesses, six showed periods of either dense booking or complete booking.

Subsequent to the hearing, JW Moving requested that the following counties be removed from consideration in its Application: Union, Abbeville, and McCormick. Accordingly, only the following counties are before us for consideration: Greenville, Spartanburg, Cherokee, Chester, Laurens, Greenwood, and Newberry.

S.C. Code Ann. Section 58-23-590(C) (Supp. 2000) states that the Commission shall issue a common carrier certificate of public convenience and necessity if the applicant proves to the Commission that: (1) it is fit, willing, and able to properly perform the proposed service and comply with the provisions of this chapter and the Commission's regulations and (2) the proposed service, to the extent to be authorized by the certificate or permit, is required by the present public convenience and necessity.

We believe that the Applicant in the present case is certainly fit, willing, and able. JW Moving has demonstrated its financial ability, its knowledge, its experience (through that of its President), its ability to lease or purchase equipment, and its lack of judgments

against it. The Company has also demonstrated its knowledge of the statutes and regulations of this state, including insurance and safety rules and regulations. We therefore believe that Mr. Wooldridge and his Company have demonstrated their ability to serve the public in South Carolina in the moving business. See R. 103-133 (1).

The “public convenience and necessity” criterion, according to R. 103-133(1), must be shown by the use of shipper witnesses. In this particular, the Company’s case was somewhat weak. The difficulty is that none of the shipper witnesses presented actually had occasion to require moving services personally or to book moving services for a company or business. Therefore, these witnesses mostly lacked first hand knowledge of the availability or unavailability of moving services in an area. See Order No. 1999-654. One witness, Mr. Elder, did apparently have some knowledge as presented to him by a traffic manager for his Company. This knowledge did concern the Upstate area of South Carolina.

In any event, upon consideration of this matter, we find that the Applicant JW Moving has demonstrated that it is fit, willing, and able, and that the public convenience and necessity require that we grant the Applicant a Certificate of Public Convenience and Necessity to carry household goods between points and places in Greenville, Spartanburg, and Cherokee Counties. Although we find the Applicant qualified to enter the moving business through our finding of the Company being fit, willing, and able, the public convenience and necessity evidence centered on the Upstate counties of South Carolina; therefore, any authority is most properly granted for those counties. See Elder testimony. Wooldridge’s testimony, with regard to the findings of his telephone survey,

certainly supports this finding. This grant of authority is contingent upon compliance with all Commission regulations as outlined below.

IT IS THEREFORE ORDERED THAT:

1. The application of JW Moving & Storage, Inc. for a Class E Certificate of Public Convenience and Necessity is hereby approved for authority to transport household goods between points and places in Greenville, Spartanburg, and Cherokee Counties.

2. JW Moving & Storage, Inc. shall file the proper license fees and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and by R.103-100 through R.103-241 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 26 (1976), as amended, and R.38-400 through 38-503 of the Department of Public Safety's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 23A (1976), as amended, within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.

3. Upon compliance with S.C. Code Ann. Section 58-23-10, et seq. (1976), as amended, and the applicable Regulations for Motor Carriers, S.C. Code Ann., Vol. 26 (1976), as amended, a Certificate shall be issued to JW Moving & Storage, Inc. authorizing the motor carrier services granted herein.

4. Prior to compliance with the above referenced requirements and receipt of a Certificate, the motor carrier services authorized herein may not be provided.

5. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Chairman

ATTEST:



Executive Director

(SEAL)